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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,542	04/09/2004	Ian Hill	KEL01 P-133	1292
28101	7590	10/03/2005	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695			LOPEZ, FRANK D	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/821,542

Applicant(s)

HILL, IAN

Examiner

F. Daniel Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/7/05</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 112

Claims 7-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7 line 2, claim 8 line 5-6 and 7-8, and claim 9 line 4-5,6 and 7-8 "the or each secondary actuator" is confusing as to whether all of the secondary actuators must meet this limitation

In claim 8 line 1-2 "a first mode, in which the piston rod...is caused to extend" and line 5-6 "a third mode, in which the respective piston rods of both the linear and secondary actuators extend" is confusing, since the first and third modes appear to possibly be the same.

In claim 10 line 1-2 "as claimed in claim 9 when dependent on claim 8" is confusing, since claim 9 is never dependent on claim 8.

Claim 11 does not further limit claim 1, since claim 1 includes the linear actuator.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Briggs. Briggs discloses locking mechanism for a double acting linear cylinder (7) comprising a latching member (27) spring biased (29) to obstruct movement of a piston follower (28) and a secondary actuator (25) moving the latching member to a non-latched state; wherein the secondary actuator is interlinked with the linear actuator; wherein fluid from a retracted side is supplied to the secondary actuator, to extend it (when fluid from supply 14 is supplied to extend chamber via pipe 11, fluid from retract chamber flows through pipe 12, valve 13 and pipe 21 to the secondary actuator), wherein both actuators extend (modes 1 and 3) and a second mode where the linear actuator is retracted and the secondary actuator is extended.

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Claims 1-7 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by McKinley et al. McKinley et al discloses locking mechanism for a double acting cylinder (1) comprising a latching member (20) spring biased (22) to obstruct movement of a piston follower (19) and a secondary actuator (16, 16') moving the latching member to a non-latched state; wherein the secondary actuator is interlinked with the linear actuator.

Claims 1-3, 5-7 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Armington. Armington discloses locking mechanism for a double acting cylinder (25a) comprising a latching member (37) spring biased (45) to obstruct movement of a piston follower (25d) and a secondary actuator (48) moving the latching member to a non-latched state; wherein the secondary actuator is interlinked with the linear actuator.

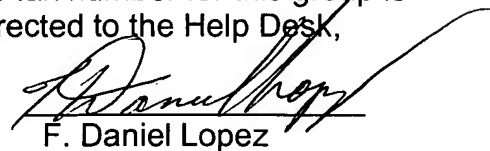
Claims 1-3, 5, 6 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hodgkins. Hodgkins discloses locking mechanism for a double acting cylinder (19) comprising a latching member (104, 105) spring biased (95) to obstruct movement of a piston follower (108) and a secondary actuator (91) moving the latching member to a non-latched state; wherein the secondary actuator is interlinked with the linear actuator.

Conclusion

Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.



F. Daniel Lopez
Primary Examiner
Art Unit 3745

September 30, 2005